IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.10576 of 1997

Between:

1. Pasumarthi Pandu Masthanaiah,

    s/o.Peda Masthanaiah, aged 30 years,

2. Pasumarthi Peda Polaiah,

    s/o.China Penchaiah, aged 33 years,

3. Kollapudi Subaiah s/o.Penchalaiah,

    aged 35 years,

4. Kavali Masthanaiah s/o. Mukkantaiah,

    aged 55 years,

5. Aamugaru Polamma w/o. Masthanaiah,

aged 50 years,

6. V.Gopal s/o. Ayyanna, aged 30 years

All are agricultural coolies, Residents of

Arundhathi colony, Koruturu village,

Indukurpet Mandal,

Nellore District.

    .. Petitioner

AND

1. The Revenue Divisional Officer,

   Nellore.

2. The Mandal Revenue Officer,

   Indukurpet Mandal,

   Nellore District.

3. The Koruturu Gram Panchayat,

   represented by its Sarpanch,

   Koruturu, Indukur Mandal,

   Nellore District. .. Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of mandamus declaring the in action of respondents 1 and 2 in considering and taking necessary action on the representation submitted by the petitioners on 20-3-1997 restraining the 3rd respondent from digging an open drainage channel in Arundhathiwada in Sy.No.280 & 281B of Koruturu village, Indukurpet Mandal, Nellore District as illegal, arbitrary, without jurisdiction and violative of Article 21 of the Constitution of India and consequently direct the respondents 1 and 2 to consider and pass appropriate orders on the representations of the petitioners and pending the same restrain the 3rd respondent from digging any drainage channel and to pass such other suitable orders.

Counsel for the petitioner : Sri P.Sridhar Reddy

Counsel for the respondents : Government Pleader for Revenue

The Court made the following :

ORDER:

This Writ Petition is filed praying for a Writ, order or direction more particularly one in the nature of writ of mandamus declaring the in action of respondents 1 and 2 in considering and taking necessary action on the representation submitted by the petitioners on 20-3-1997 restraining the 3rd respondent from digging an open drainage channel in Arundhathiwada in Sy.No.280 & 281B of Koruturu village, Indukurpet Mandal, Nellore District as illegal, arbitrary, without jurisdiction and violative of Article 21 of the Constitution of India and consequently direct the respondents 1 and 2 to consider and pass appropriate orders on the representations of the petitioners and pending the same restrain the 3rd respondent from digging any drainage channel and to pass such other suitable orders.

This Court in W.P.M.P.No.12853/97 on 13-5-1997 granted interim direction. In the light of the facts and circumstances narrated in paras 2 to 5 of the affidavit filed in support of the Writ Petition, the Writ Petition is disposed of directing the 2nd respondent to dispose of the representation said to have been made by the petitioners within a period of four weeks from the date of receipt of this order. In the meanwhile, the respondents are directed to maintain status-quo existing as on today. No order as to costs.

_____

P.S.Narayana.,J

Date : 25-11-2004

AM

To

1. The Revenue Divisional Officer,
   Nellore.
2. The Mandal Revenue Officer,
   Indukurpet Mandal,
   Nellore District.
3. The Koruturu Gram Panchayat,
   represented by its Sarpanch,

Koruturu, Indukur Mandal,

Nellore District.

4. 2 copies to G.P. for Revenue,

High Court of A.P.

High Court buildings,

Hyderabad. (OUT)

5. 2 C.D. copies